



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,986	03/23/2006	Takeshi Ohno	NNA-242-B	9004

48980 7590 12/26/2008
YOUNG & BASILE, P.C.
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

EXAMINER

WALTERS, JOHN DANIEL

ART UNIT	PAPER NUMBER
----------	--------------

3618

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

12/26/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com
audit@youngbasile.com

Office Action Summary	Application No. 10/572,986	Applicant(s) OHNO, TAKESHI	
	Examiner JOHN D. WALTERS	Art Unit 3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>Multiple (2)</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 1 - 21 have been examined.

Claim Objections

Claims 1 - 21 are objected to because of the following informalities: many of the claims include a phrase similar to "as set forth in one of claim 1" as shown in claim 5. Appropriate correction is required to all applicable claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 - 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with instances of limitations lacking antecedent basis. An exemplary list follows, however, said list is not exhaustive:

- claim 6 recites the limitation "the induction system pressure drop";
- claim 7 recites the limitation "the throttle gate opening";
- claim 10 recites the limitations "the first delay time" and "the second delay time".

Applicant is requested to verify that all claim limitations have proper antecedent basis and provide appropriate correction for all deficient limitations.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 9, 11 - 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lasson (6,755,266). Lasson discloses a method and arrangement in a hybrid vehicle comprising:

- an engine(Fig. 3, item 511);
- an electric motor (Fig. 3, item 531);
- a hybrid controller (Fig. 6, item 100);
- said hybrid controller performing an engine start determination while said electric motor is running (column 14, lines 11 - 42);
- an acceleration position sensor that detects an acceleration demand (column 14, lines 11 - 42);
- a start/power generation motor that starts said engine (Fig. 3, item 532);
- said start/power generation motor controlling a pressure in an induction system based upon said acceleration demand (column 14, lines 11 - 42);
- said hybrid controller determining whether said engine should be started based upon said acceleration demand (column 14, lines 11 - 42);

Art Unit: 3618

- said acceleration position sensor detects the acceleration demand based on an amount of pressure on an accelerator pedal (column 14, lines 11 - 42);
- said hybrid controller being equipped with a SOC detector (column 14, lines 11 - 42);
- said hybrid controller determining whether said engine should be started based upon battery SOC (column 14, lines 11 - 42);
- said start/power generation motor cranks said engine (column 9, lines 46 - 49);
- said hybrid controller starts said engine by beginning a fuel injection a predetermined time after engine cranking starts (column 8, lines 23 - 27);
- wherein a decrease in acceleration demand causes a drop in the induction system pressure (column 15, lines 21 - 23);
- wherein a throttle valve opening is closed when an acceleration demand is less than a predetermined amount (column 12, line 49 - column 13, line 22);
- wherein a throttle valve opening is fully open when an acceleration demand is greater than a predetermined amount (column 12, line 49 - column 13, line 22);
- wherein the time from a start of engine cranking to the start of fuel injection is extended as acceleration demand decreases (column 12, line 49 - column 13, line 22).

Allowable Subject Matter

Claims 10 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, as well as correction of any 112 problems.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Shimasaki et al. (6,019,183) disclose a hybrid vehicle;
- Matsubara et al. (6,290,012) disclose a hybrid vehicle control device;
- Morimoto et al. (6,593,713) disclose a control apparatus for a hybrid vehicle;
- Shimabukuro et al. (6,715,572) disclose a control system for a hybrid vehicle;
- MacBain (6,775,601) discloses a method and control apparatus for controlling propulsion in a hybrid vehicle;
- Fukui et al. (7,281,509) disclose an internal combustion engine system and starting method.

Art Unit: 3618

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN D. WALTERS whose telephone number is (571)272-8269. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher P Ellis/
Supervisory Patent Examiner, Art Unit 3618

John D. Walters
Examiner
Art Unit 3618

/J. D. W./
Examiner, Art Unit 3618